

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1022D, an amendment to the Old Cheney Place Community Unit Plan**, requested by TSP Seven, Inc., on behalf of the owner, South Lincoln Apartments Limited Partnership II, to add a 12-unit multi-family building, with associated waiver requests, on property generally located at South 27th Street, north of Old Cheney Road.

STAFF RECOMMENDATION: Conditional approval, including approval of all waiver requests.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/20/03
Administrative Action: 08/20/03

RECOMMENDATION: Conditional Approval (9-0: Carlson, Duvall, Krieser, Larson, Marvin, Schwinn, Steward, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. This proposal includes the following waiver requests:
 - A. Eliminate the preliminary plat process.
 - B. Allow the Director of Planning to approve administrative final plats in accordance with the approved community unit plan/use permit.
 - C. Allow the Director of Planning to approve an administrative final plat that includes public streets and private roadways.
2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.3-4, concluding that the application is in conformance with the Comprehensive Plan.
3. On August 20, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On August 20, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated August 8, 2003. The conditions of approval are found on p.4-6.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 22, 2003

REVIEWED BY: _____

DATE: September 22, 2003

REFERENCE NUMBER: FS\CC\2003\SP.1022D

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 20, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1022D
Old Cheney Place Community Unit Plan

PROPOSAL: To amend the community unit plan to add a 12-unit multifamily building.

LOCATION: Generally located at S. 27th Street north of Old Cheney Road.

WAIVER REQUEST:

1. Eliminate the preliminary plat process
2. Allow the Director of Planning to approve administrative final plats in accordance with the approved community unit plan/ use permit
3. Allow the Director of Planning to approve an administrative final plats that include public streets and private roadways

LAND AREA: 30 acres, more or less.

CONCLUSION: The application is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
Eliminate the preliminary plat process	Approval
Allow the Director of Planning to approve administrative final plats in accordance with the approved community unit plan/ use permit	Approval
Allow the Director of Planning to approve administrative final plats that include public streets and private roadways	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 13 and 14, Block 1, Lots 1-4, Block 2, the remaining portion of Lot 1, Lot 2, Block 4, Old Cheney Place 1st Addition; Lots 1-6, Block 2, Lots 1 and 2, Block 4, Lot 1, Block 3, and Outlots A and B, Lots 1-8, Block 1, Old Cheney Place 8th Addition; Lots 1-12, Outlot A, Old Cheney Place 2nd Addition; Lots 1-6, Block 1, Lots 1-9, Block 2, Lots 1-10, Block 4, Outlot C, Lots 1-11, Block 3, Outlot B, Old Cheney Place 4th Addition, located in Section 7-9-7

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Multifamily, two and single family and daycare center.

SURROUNDING LAND USE AND ZONING:

North:	Apartments	R-1, Residential
South:	Townhouse	R-3, Residential

East:	Single and multifamily	R-1, Residential
West:	Single family	R-1, Residential

HISTORY: Special Permit #1022C, Old Cheney Place 1st Addition allowed open decks in the rear yard to be constructed at a height more than three feet above the ground was approved by the City Council on July 5, 1998.

Special Permit #1022B, Old Cheney Place 1st Addition CUP added dwelling units, allowing a total of 180 units (84 two family and 96 multifamily) and to split off from the Briarhurst Commons CUP was approved by the City Council in 1987.

Special Permit #1022A, Briarhurst Commons CUP to add a daycare lot to the community unit plan was approved by the City Council on March 18, 1985.

Special Permit #1124 for a daycare was approved by the City Council on March 18, 1985.

Special Permit #1022, Old Cheney Place CUP for 144 apartments and 216 townhouse units and Change of Zone #2023 from R-1 to R-3 was approved by City Council on May 9, 1983.

Changed from A-1, Single Family to R-1, Residential during the 1979 zoning update

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan (F-25).

“Maximize the community’s present infrastructure investment by planning for residential...in areas with available capacity” by “encouraging...more dwelling units per acre in new neighborhoods” (F 17).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“Similar housing types face each other...change to different use at rear of lot” (F 67) (F 69).

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

TRAFFIC ANALYSIS: S. 27th Street is an urban principal arterial, other streets within the special permit are local streets (F-103).

ANALYSIS:

1. This is a request to amend the existing community unit plan to add a 12-unit apartment building and associated garage. The applicant requests to waive the preliminary plat process and allow plats to be approved administratively by the Planning Director.

2. The request utilizes a portion of the open space in the community unit plan. There is still a significant amount of open space left within the community unit plan and the reuse of the open space is insignificant in the overall amount of open space still left on site. There is a large park with playground equipment to the southeast behind the two-family houses. Additionally, there is a volleyball court and open spaces in between the multifamily buildings.
3. There is little impact on the existing single and two family houses in the area. The area to be utilized is abutting a daycare center. The building as shown on the site plan places the parking and drive access north of the proposed apartment building so that there is little impact on the existing daycare center.
4. The setback for the new building is consistent with the required front yard setback and with the existing daycare setback. It appears that the existing multifamily buildings are setback 50 feet, which is more than required. The new building is consistent with the daycare center and this is acceptable to the Planning Department.
5. The added units are within the allowed density of the community unit plan. The overall density of the project is approximately 6.5 dwelling units per acre. The R-3 district allows approximately 6.96 dwelling units per acre. The area of this special permit is 30 acres, which allows the development of 208 dwelling units.
6. The request is in conformance with the Comprehensive Plan.
7. The Public Works & Utilities Department requests a grading plan to verify how the building impacts the existing fill and retaining wall along S. 27th Street.
8. The Parks and Recreation Department requests an updated landscape plan. The landscape plan must show all required screening. Landscaping and screening is required along the entire perimeter of the site screening 50% of the vertical plane from 6'-15'
9. The Lincoln-Lancaster County Health Department had advisory comments which are attached.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Updated legal description.

- 1.1.2 Indicate the requested waivers in a table on the site plan.
- 1.1.3 Include a density calculation.
- 1.1.4 Indicate the number of units in each building in the apartment area.
- 1.1.5 Show the setback from the existing daycare center.
- 1.1.6 Outlots A in Blocks 2 and 3 were never platted, update the plan so it is consistent with what has been platted.
- 1.1.7 Correct the spelling error in the Parking Ratio table #1.
- 1.1.8 Provide a landscape plan to the satisfaction of the Planning and Parks and Recreation Departments.
- 1.1.9 Provide a grading plan to the satisfaction of the Public Works & Utilities Department.

- 2. This approval permits 192 dwelling units.

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible **final** plan including 6 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

DATE: August 8, 2003

APPLICANT: TSP Seven, Inc
9802 Nicolas Street, Suite 350
Omaha, NE 68114
(402)493-8997

OWNER: South Lincoln Apartments Limited Partnership II
5501 Warwick Court
Lincoln, NE 68516

CONTACT: Larry McChesney
(Same as above)

SPECIAL PERMIT NO. 1022D
An Amendment to the
OLD CHENEY PLACE COMMUNITY UNIT PLAN

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

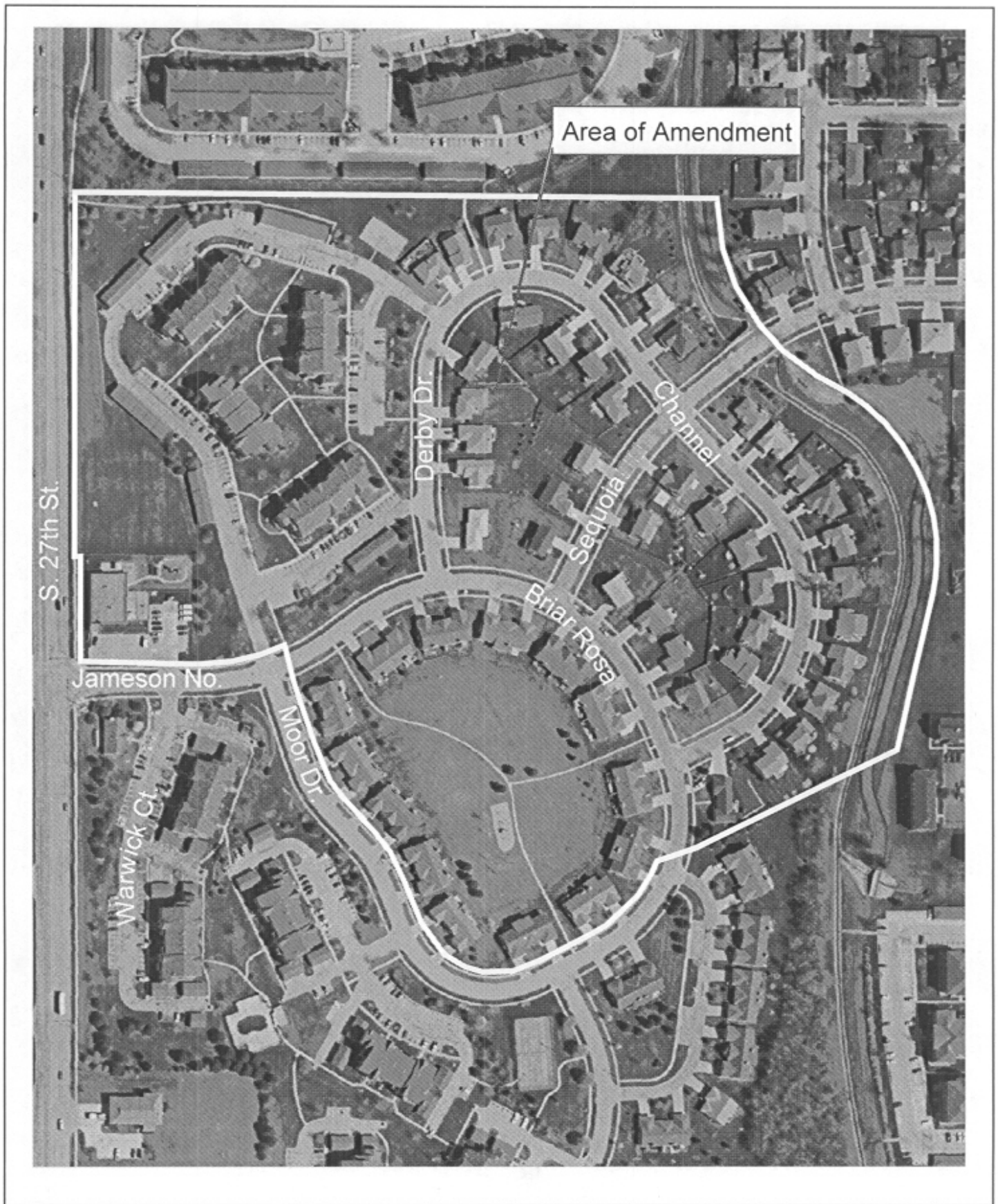
August 20, 2003

Members present: Carlson, Duvall, Krieser, Larson, Marvin, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3417; USE PERMIT NO. 153; SPECIAL PERMIT NO. 638A; *SPECIAL PERMIT NO. 1022D*; SPECIAL PERMIT NO. 2030, FINIGAN VIEW COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 02005, CATHERLAND SUBDIVISION; PRELIMINARY PLAT NO. 03003, OLD MILL VILLAGE 1ST ADDITION; COUNTY FINAL PLAT NO. 03025, PRAIRIE CREEK ESTATES; COUNTY FINAL PLAT NO. 03026, WYNDAM PLACE ADDITION; COUNTY FINAL PLAT NO. 03028, THE PRESERVE AT CROSS CREEK ADDITION; ANNEXATION NO. 03006; and COMPREHENSIVE PLAN CONFORMANCE NO. 03007.**

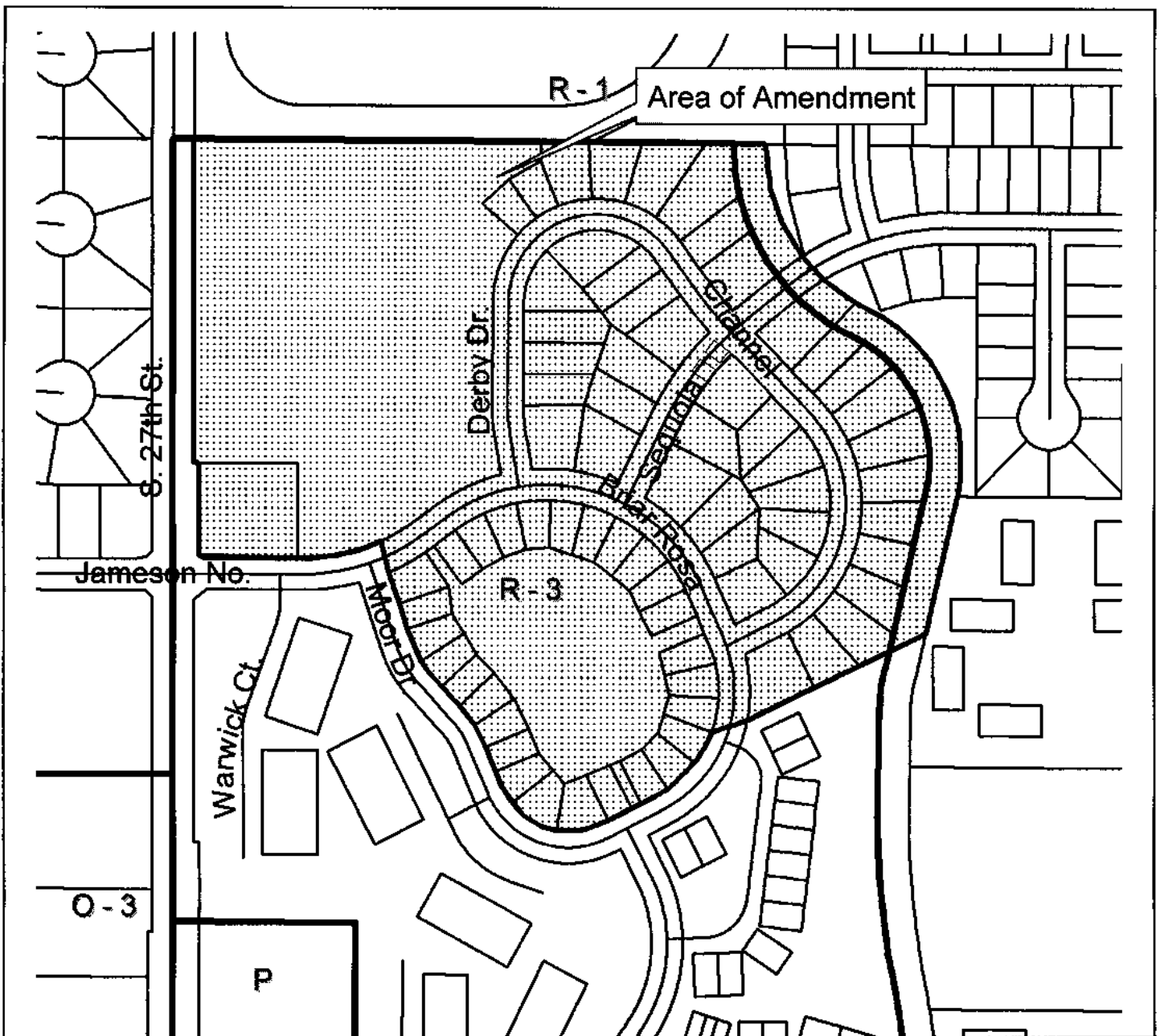
Item No. 1.3, Special Permit No. 2030, and Item No. 1.4, Preliminary Plat No. 02005, were removed from the Consent Agenda and scheduled for separate public hearing.

Bills-Strand moved to approve the remaining Consent Agenda, seconded by Taylor and carried 9-0: Carlson, Duvall, Krieser, Larson, Marvin, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.



Special Permit #1022D
S. 27th & Old Cheney Rd.
Old Cheney Place



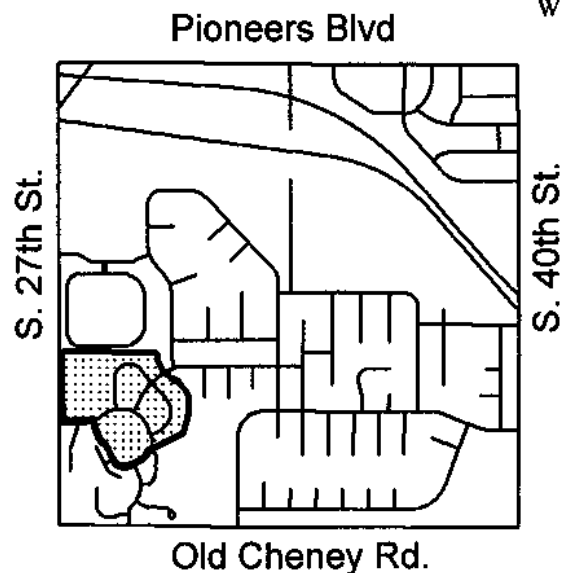
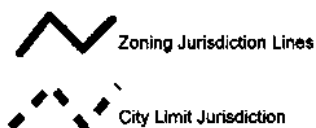


Special Permit #1022D **S. 27th & Old Cheney Rd.** **Old Cheney Place**

Zoning:

One Square Mile
 Sec. 7 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



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July 22, 2003

Mr. Ray Hill, Planning Director
Lincoln/Lancaster County Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

Re: Old Cheney Place
Community Unit Plan Revision
Lincoln, Nebraska

Dear Mr. Hill,

We are requesting a Special Permit to change the density of the existing CUP per our discussion in a recent meeting. We propose the addition of 12 Apartment units to the 180 units approved on the Special Permit SP1022B. Even though this is a higher density than previously approved, it is an important infill project meeting the cities concept for strategic growth.

We would like to waive the following items:

1. Waive the preliminary plat process.
2. Grant the Planning Director authority to approve an administrative final plat that conforms to the special permit for the community unit plan.
3. Grant the Planning Director authority to approve administrative final plats even though there are public streets or private roadways.

Find attached 24 copies of the site plan, 8 sets of the site plan and landscaping plan and one reduced site plan. We are also including the site plan in AutoCAD format on disk. The application fee, Special Permit Application and Owner Certificate is also included. We look forward to approval of the Special Permit.

Sincerely,

Larry L. McChesney, AIA
TSP Architects, Inc.

Denver, CO
Fort Collins, CO
Marshalltown, IA
Minneapolis, MN
Rochester, MN
Omaha, NE
Rapid City, SD
Sioux Falls, SD
Sheridan, WY

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: August 7, 2003

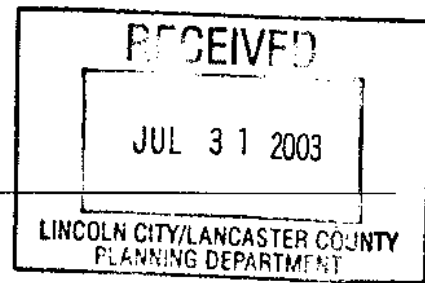
Re: Old Cheney Place Sp 1022D

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. Please provide a landscape plan for review.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

M e m o r a n d u m



To: Tom Cajka, Planning Dept.
From: BB
Bruce Briney, Public Works and Utilities
Subject: Special Permit #1022D, Old Cheney Place
Date: July 31, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #1022D, Old Cheney Place, to change the density of the existing C.U.P. by adding 12 apartment units to the approved 180 units. Public Works has the following comment:

- Submit a grading plan and explain how the grading around the proposed units impacts the existing fill and wall easement adjacent to South 27th Street.